

**To:** Campbell, Rich[Campbell.Rich@epa.gov]  
**From:** Consoli, Carla  
**Sent:** Tue 1/2/2018 6:12:32 PM  
**Subject:** RE: FOIA Follow Up

Hello Rich-

We had discussed the end of the month and then dialed back to January 16<sup>th</sup>. As you can imagine given the length of time this process has taken my client is frustrated at the pace of disclosure and even more so now knowing that Earthworks apparently can just call and receive immediately that which it requests. Please push hard to meet the 16<sup>th</sup> and then let's talk if more time is needed.

Appreciate your consideration and diligence!

Carla.

**Carla A. Consoli**  
Partner  
602.262.5347 office

602.734.3896 fax  
[cconsoli@lrrc.com](mailto:cconsoli@lrrc.com)

<http://www.lrrc.com/Carla-Consoli>

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**Lewis Roca**  
**ROTHGERBER CHRISTIE**

Lewis Roca Rothgerber Christie LLP  
201 East Washington Street, Suite 1200  
Phoenix, Arizona 85004-2595  
[lrrc.com](http://lrrc.com)

**From:** Campbell, Rich [mailto:Campbell.Rich@epa.gov]  
**Sent:** Tuesday, January 02, 2018 11:08 AM  
**To:** Consoli, Carla  
**Subject:** RE: FOIA Follow Up

Thanks Carla and Happy New Year!

As we discussed, we will be providing you another interim response on January 16 that I contemplate will include all outside (i.e., public comments and communications with state and local agencies) non-privileged communications ... but as you may recall I was also requesting an extension until the end of this month to complete our privilege review of the intra-Agency documents your client requested (internal correspondence and memoranda). I hope this is acceptable. If necessary please call to discuss.

Sincerely,

Rich

415-972-3870

**From:** Consoli, Carla [mailto:CConsoli@lrrc.com]  
**Sent:** Tuesday, January 2, 2018 9:58 AM  
**To:** Campbell, Rich <Campbell.Rich@epa.gov>  
**Cc:** [baggiore.trevor@azdeq.gov](mailto:baggiore.trevor@azdeq.gov); Rebecca Sawyer ([rsawyer@excelsiormining.com](mailto:rsawyer@excelsiormining.com))  
<[rsawyer@excelsiormining.com](mailto:rsawyer@excelsiormining.com)>  
**Subject:** FOIA Follow Up

Good Morning Rich,

Per our call on Friday, Excelsior provides to EPA an extension until January 16<sup>th</sup> for EPA to complete its response to Excelsior's FOIA request originally filed on November 6, 2017. This provides EPA a full 70 days to complete its request. The original due date, assuming a 30 day timeframe, was December 19, 2017.

Based on EPA's preliminary response to Excelsior's FOIA request, we see that Earthworks received information from EPA without having complied with the FOIA process. Given that EPA has allowed some information to be provided to Earthworks without requiring the FOIA process, Excelsior will appreciate EPA extending the same courtesy to the applicant by sending the information Excelsior recently requested, copies of all comments made on Excelsior's draft UIC permit to date without the requirement for a FOIA process.

I will follow up with you on Thursday regarding our conversation of last week. Please let me know a time that works in your calendar to do so.

Best regards,

Carla.

**Carla A. Consoli**  
Partner  
602.262.5347 office

602.734.3896 fax  
[cconsoli@lrrc.com](mailto:cconsoli@lrrc.com)

<http://www.lrrc.com/Carla-Consoli>

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**Lewis Roca**  
**ROTHGERBER CHRISTIE**

Lewis Roca Rothgerber Christie LLP  
201 East Washington Street, Suite 1200  
Phoenix, Arizona 85004-2595  
[lrrc.com](http://lrrc.com)

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